


**TOWN OF CARLYLE
POLICY MANUAL**

Policy Description: Access to Information	TOWN OF CARLYLE	
Policy Number: ACC 0010	Original Date: Dec. 19, 2007 Res. #13 Revised: Mar. 4, 2020 Res. #2020-051	

Purpose of Policy: To comply with the Local Authority Freedom of Information and Protection of Privacy Act and Regulations.

The objective of this policy is to prescribe to the *Local Authority Freedom of Information and Protection of Privacy Act* which provides members of the public with a right to access records in the possession or under the control of a local authority, while at the same time providing legal privacy protection for the personal information in the custody and control of the local authority.

The second objective of the *Local Authority Freedom of Information and Protection of Privacy Act* is to establish rules for the protection of personal information. Personal information is any information about an identifiable individual (e.g., race, religion, sexual orientation, family status, criminal or employment history, or opinions of another person about that individual), but does not include classification, salary, benefits or responsibilities.

The Office of the Information and Privacy Commissioner has concluded that public bodies in Saskatchewan have a duty to assist all applicants when they apply for access to records.

Records

The Local Authority Freedom of Information and Protection of Privacy Act defines a record as: *“a record of information in any form and includes information that is written, photographed, recorded or stored in any manner, but does not include computer programs or other mechanisms that produce records”*.

This means records received and/or produced in the course of work which are in the Town of Carlyle’s possession or control, and include word documents, spreadsheets, maps, drawings, photographs, letters, vouchers, papers, electronic and optical media, e mail, sticky notes, handwritten notes, journals/meeting books, etc. Records do not include published material or material that is available for purchase by the public, material that is a matter of public record, or archival material placed with the Town of Carlyle by the public.

Head

The Local Authority Freedom of Information and Protection of Privacy Act defines the Mayor of the Town of Carlyle as the head of the municipality, and as such the head is accountable for all decisions, duties and obligations under the Act. The duties of the head are hereby delegated to the Town Administrator. Any legal challenges that come from the duties exercised under this policy will be the responsibility of the Town of Carlyle.

Requests for Access

All persons requesting access to records, not normally or regularly required by the Town are required to complete an "Access to Information Request Form (See attached Form A) as set out in *The Freedom of Information and Protection of Privacy Regulations*. Applications must be accompanied by an application fee of \$20.00.

- A written response must be provided to each application within thirty (30) days. The response may:
 - give access upon payment of any fees, as outlined in the Regulations,
 - refer the applicant to published records,
 - refuse access and state why the request is refused, or
 - state that the record does not exist, and
 - inform the applicant of the right to review by the Office of the Information and Privacy Commissioner.

The municipality must try to give access to as much of the record as possible. Informal disclosure is encouraged whenever appropriate, but the Town of Carlyle recognizes that there needs to be a balance between the right of access and the need to keep certain information confidential.

Exemptions in accordance with the Act will be considered before access to a record is given.

Process

When a request is received:

1. The request is logged.
2. A file is set up.
3. The request is examined with regard to:
 - Are the details of the request clear or will clarification be necessary?
 - If clarification is necessary, the applicant is advised and invited to supply additional details.
 - If the request is clear, the search begins for responsive records.
 - Will fees be necessary to process the request?
 - Find out about the effort required to comply with the request.
 - Does the request involve a lot of records?
 - Will a search be necessary?
 - How many copies will there be?

If fees will exceed \$50.00, a cost estimate is necessary. Total fees charged cannot exceed the initial estimate of costs. The applicant must be notified of the estimate, with a detailed explanation of the fees. The Town can require a deposit of up to 50% of the estimate prior to providing the requested information.

4. The records are searched.
5. The records are reviewed, line by line, to ensure that disclosure exemptions are met.
6. For Full Disclosure records, two copies of the record are made (one for the applicant, the other is for the access request file). For Partial Disclosure records, the exempt information is severed, and two copies of the record are made (as indicated above). The original severed document is never to be sent to the applicant. For Denied records, quote all exemptions that apply to the record.
7. Legal opinion may be sought at this point to ensure compliance with the Act.
8. The appropriate notification letter is prepared.
9. The information is sent, either by mail or courier, to the applicant, in an envelope marked "Confidential".
10. The applicant has one year from the date of the final notification letter to request a review to the Office of the Information and Privacy Commissioner.

FREEDOM OF INFORMATION AND
PROTECTION OF PRIVACY

F-22.01 REG 1

Part II
Form A
[Section 5]



Access to
Information
Request Form

FREEDOM OF INFORMATION
AND PROTECTION OF PRIVACY
Form A
[Section 5]

Personal information and personal health information on this form is collected under *The Freedom of Information and Protection of Privacy Act* and *The Health Information Protection Act* and will be used or disclosed only as necessary to respond to your request.

INFORMATION ABOUT YOU

Last Name First Name

Name of Company or Organization (if applicable - optional)

Address City Province Postal Code

Day Phone Number Alternate Number Fax Number Email

INFORMATION ABOUT THE RECORDS YOU ARE REQUESTING

Are you requesting:

- your own personal information.
- personal information about someone other than yourself (*attach proof that you have authority to receive the information requested*).
- general information.

To which government institution are you making your request? Enter the name of the government institution that you believe has the records you are requesting.

What records do you wish to access? Please provide a detailed description of the records you wish to access. This information will help locate the records.

What is the time period for the records you are requesting (if applicable)?

The person managing your request may contact you to seek clarification or to discuss aspects of the request, including the application of fees if necessary. Should fees be necessary, you may request a fee waiver but you may be required to provide evidence of substantial financial hardship among other factors (see section 9 of the regulations).

Please keep a copy of this request for your records.

- Check if requesting waiver of processing fee:

I request that payment of the processing fee related to this request be waived because payment will cause me substantial financial hardship. Details are as follows: (*Use reverse of form if additional space is required*.)

Signature of Applicant

FOR OFFICE USE ONLY

Date Received Application Number 30-Day Response Date